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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,840	12/22/2000	Michael Goldstein	37844.011700	8534

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EXAMINER
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JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/741,840

**Applicant(s)**

GOLDSTEIN, MICHAEL

**Examiner**

Romain Jeanty

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 21-31 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

*Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-20, drawn to a method for a system for collecting, classified in class 705, subclass 10.
  - II. Claim 28, drawn to a method of providing rewards to a consumer for collection and dissemination of consumer information, classified in 705, subclass 14.
  - I II. Claims 21-27, and 30-31, drawn to a method for determining which public opinion gauge to display based on consumer preferences, classified in class 707, subclass 4.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as allocating services. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II and III, restriction for examination purposes as indicated is proper.
4. A telephone interview with Mark A. Wurn on July 15, 2004, to request an oral election to the above restriction requirement, Mark A Wurm elected Group I (Claims 1-20) to be examined.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-6, 8-9, 11, 13, 15-16, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by d'Eon (U.S Patent No. 6,006,197).

As per claims 1, 3, 6, 8-9, 11, 13, 15-16, and 19, d'Eon discloses a system for assessing effectiveness of Internet marketing campaign comprising:

collecting consumer data comprising: a user interface, software associated with said interface for monitoring a user interaction; and a database for storing a plurality of data related to said user interaction (i.e. recording the number of times a user accesses an advertisement (col. 3, lines 3, 24-38; col. 4, lines 24-34 and col. 6 lines 38-45)).

As to claim 4, d'Eon further discloses the system as described in claim 1, wherein said user interface displays advertisements (col. 3, lines 2-66).

As to claim 5, d'Eon et al further disclose wherein said database has an architecture through which said plurality of said user interaction data can be provided to a third-party (i.e. allowing a client/third party to access the consumer information) (col. 6, lines 17-35).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 7, 10, and 17-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over by d'Eon U.S 6,006,197) in view of Boe et al "Boe" (U.S. Patent No. 6,236,975).

As per claims 2, 7, 10, and 17-18, d'Eon discloses all of the limitations above, but fails to disclose displaying at least one opinion gauge/survey. Boe et al in the same field of endeavor discloses the concept of using a communication interface for displaying surveys and questionnaires to a customer where the consumer data comprises the consumer preference and demography data (col. 6, line 58 through 7 line 8). It would have been obvious to a person of ordinary skill in the art to modify the advertising campaign system of d'Eon et al to include the displaying of survey of Boe et al in order to target marketed advertising to the user.

8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over by d'Eon U.S 6,006,197) in view Burns (US Patent No. 6,014,137).

As per claim 12, d'Eon does not explicitly disclose a user interface is displayed on a kiosk. Burns in the same of endeavor, discloses a user interface being displayed on a kiosk (col. 3, lines 26-47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to have modified the disclosures of d'Eon to incorporate the user interface being displayed on a kiosk as evidenced by Burns with the motivation to allow users to easy access to the system, thereby presenting various amounts of information to the users.

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9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over by d'Eon U.S. 6,006,197).

As per claim 14, d'Eon does not explicitly disclose a user interface including tactile, and oldfactory simulation in addition to visual simulation. However, incorporating these features into the disclosures of d'Eon would have been obvious to a person of ordinary skill in the art in order to provide a visually impaired the capability to access the system.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over by d'Eon U.S. 6,006,197).

As per claim 20, d'Eon does not explicitly disclose filtering said plurality of data on a user interface provided to said customer to allow only data approved by said user to be provided. De Vorchik on the other hand, disclose an interface enabling a user to filter an arbitrary unfamiliar data set intuitively and effectively (col. 4 line 30 through col. 6 line 61). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of d'Eon to incorporate the filtering concept of De Vorchik in order to control in which manner the data is displayed to the user.

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Mundlel et al (U.S. Patent No. 6549890) disclose an interactive computer system for collecting and analyzing data.

b. Morris et al (U.S. Patent 6,112,206) disclose a data collection and dissemination system.


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c. Levine (U.S. Patent No. 6,385,590) discloses collecting and analyzing survey data.

d. Feldman et al (U.S. Patent No. 6,594,638) disclose an on-line method and apparatus for collecting demographic information from a user of a home WWW site and for dynamically selecting questions to present to the user.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 26, 2004

  
ROMAIN JEANTY  
PRIMARY EXAMINER  
*Art Unit 3623*